

Sri V. SRINIVASA SHETTY.—Sir, we had no copy of the Bill with us. We had no time to study. We will take up this Bill to-morrow, not to-day Sir.

Motion to postpone consideration.

Mr. SPEAKER.—Then he may make a regular motion.

Sri V. SRINIVASA SHETTY.—Sir, I move:

“That the consideration of this Bill namely The Madras Aliyasanthana (Mysore Amendment) Bill, 1961, be postponed till to-morrow.”

Mr. SPEAKER.—The question is:

“That the consideration of the Madras Aliyasanthana (Mysore Amendment) Bill, 1961 be postponed till to-morrow.”

The motion was adopted.

THE MYSORE MONEY LENDERS BILL, 1960, AS PASSED BY THE LEGISLATIVE COUNCIL.

The motion to consider.

Sri MALI MARIAPPA (Minister for Co-operation).—Sir, I beg to move:

“That the Mysore Money Lenders Bill (1960) as passed by the Legislative Council be taken into consideration.”

Mr. SPEAKER.—Motion moved:

“That the Mysore Money Lenders Bill, (1960) as passed by the Legislative Council be taken into consideration.”

†Sri MALI MARIAPPA.—Sir, the Joint Select Committee considered all the clauses and have suggested very few changes only. I would like very briefly to refer to some changes which have been suggested by the Select Committee.

Mr. SPEAKER.—This Bill is coming from the Legislative Council. It is not necessary to refer to the changes made by the Joint Select Committee.

Sri MALI MARIAPPA.—Sir, so far as the Legislative Council is concerned, the Report of the Joint Select Committee has been accepted and approved *in toto*. That is why I am suggesting only some of the changes suggested by the Joint Select Committee only. The Joint Select Committee has suggested as I said earlier, very few changes and these changes relate to Clause 2 item (9). They are almost clarifying the position. At the time the Bill was framed, the Co-operative Societies Act, 1959 was not passed. Now specifically the Act is mentioned instead of the words ‘Co-operative Societies Act in force.’

The next change that has been suggested is regarding Clause 6 and that too in relation to the levy of the licence fee. Originally, Rs. 5

was suggested for licence. The Select Committee was of the view taking the over-all view of the entire situation, Rs. 10 will be quite appropriate. And so far as place and persons are concerned, if the place of business is more than one, then instead of Rs. 2 we may levy Rs. 3 as licence fee.

Regarding clause 8, it is specifically made clear that the order of declaration should be under Clause 16. Clause 16 clearly enumerates that before passing an order making the declaration either of suspending or cancelling the licence, an opportunity must be given to the said money-lender or whoever he is, so that, he may have his say and then only the finding may be given. That is in keeping with the law Sir, of natural justice.

The other amendment suggested is in relation to Clause 20. There was a special procedure suggested for some class of money-landers regarding filing or returns. The Joint Select Committee was of the view that such alternations are not necessary and so sub-clause (3) was deleted.

Another important amendment that has been suggested is in relation to the definition of the word 'molestation.' According to some other Acts prevailing in the neighbouring States it was felt that the word 'molestation' has to be properly defined; and the Joint Select Committee was of the view that a particular clause is necessary and so another clause is added to make the meaning of the word 'molestation' very clear.

With these few suggestions the Bill went up before the Legislative Council and the Legislative Council has accepted all these suggestions put forth by the Joint Select Committee and the Bill has been passed by the Legislative Council and they have not added any amendment.

Now I request the House kindly to accept the Bill.

†Sri V. SRINIVASA SASTRY.—I should like to say one or two words now. I fully agree with the principles of the Bill and I say that this is a necessary piece of legislation. There is no doubt. But while going through the Bill, I was disturbed a little with regard to one thing. With regard to the applicability of the Act, in Clause 1. The difficulty is, if we go through the provision of the Bill, we will feel that no one who is not a registered money lender under this Bill can lend money. He cannot lend the money and if he lends money unwarily, he may not be able to realise it. He may realise it only if the borrower keeps up his word and pays it back. But the question arises if a man borrows on oral word and does not return as promised. It is one thing, even if the matter is taken to Court if the borrower does not choose to put up a defence and the suit is decreed *ex-parte*. But if the defendant begins to argue in the court that he is not a Registered Money Lender under the Act, the suit will have to be dismissed. The Bill says that no one else who is not a registered money lender under this Act can have any transactions. I do agree the

(Sri V. Srinivasa Shetty)

principle is correct. But in the immediate future, it will work as a great hardship in many cases. I can understand where the co-operative societies are working well, we get credit easily. But in the rural parts it is not possible to get credit. People lend money and people borrow money. If you suddenly enforce this Act throughout all the parts of the State will it not work great hardship to them immediately? So it may be considered whether it is not advisable to enforce this Act throughout the State in stages, part by part. For instance, it may first be extended to urban areas. This is one suggestion that I want to make. Slowly if people find that they cannot realise the money that they lend then they will not lend any money and credit may be freezeed. That should not happen. When credit is available to the needy from other sources in plenty, then we can think of enforcing this in those parts. As it is, there are not enough money-lenders in the State. This Act is in force in all parts of the State and I would request the Minister to tell the House how many registered money-lenders are there in the State. I think their number must be very few. So I request the Government to consider enforcing this law stage by stage in the different parts of the State.

Then I object to the principles of Clause 6 (5). It says that the fee paid for an application shall not be refunded if the application is rejected or withdrawn. I am unable to understand this principle.

With these observations I welcome the Bill and I request the Government to consider these few suggestions.

ಶ್ರೀ ವಿ. ಜಿ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ಸ್ವಾಮಿ, ಈ ಮಸೂದೆಯಲ್ಲಿ 20 ರಿಂದ 24ನೇ ಕಲಮಿನವರೆಗೆ ಮತ್ತು 25ನೇ ಕಲಮಿನಲ್ಲಿ ಸರಕಾರ ಅಧಿಕಾರ ಮಡಗಿಕೊಂಡಿರ ತಕ್ಕಂಥಾದ್ದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಲ್ಪಟ್ಟ ಸಾಧ್ಯವಿಲ್ಲ. ಯಾಕೆಂದರೆ ಈ ಮಸೂದೆಯ ಉದ್ದೇಶ ಪರಾಜಿತವಾಗುತ್ತದೆ. ಉದ್ದೇಶ ಪರಜಿತವಾಗಿರುವ ರೀತಿಯಲ್ಲಿ ಬಿಲ್ಲು ಪಾಸ್ ಮಾಡುವುದರ ಅರ್ಥವಾಗುವದಿಲ್ಲ. ಅದುದರಿಂದ ಇದು ಸರಿಯಾಗಿಲ್ಲ. ಇದನ್ನು ದೀರ್ಘವಾಗಿ ದೋಡನೆ ಮಾಡಬೇಕು. ಈ ಅಧಿಕಾರವನ್ನು ಸರಕಾರ ಕೈಯಲ್ಲಿಟ್ಟು ಕೊಳ್ಳಬಾರದು. ಎಲ್ಲರಿಗೂ ಒಂದೇ ರೀತಿಯ treatment ಇರಬೇಕು. ಯಾರಿಗೂ ತೊಂದರೆಯಾಗಬಾರದು. ಈ ನನ್ನ ಸೂಚನೆಯನ್ನು ಸರಕಾರ ಗಮನದಲ್ಲಿ ತೆಗೆದುಕೊಂಡು ನೂಕ ಬದಲಾವಣೆ ಮಾಡಬೇಕೆಂದು ಹೇಳಿ ನನ್ನ ಭಾವಣೆ ಮುಗಿಸುತ್ತೇನೆ.

Sri MALI MARIAPPA.—Sir, the Hon'ble Member Sri Srinivasa Shetty asked why this Act should be made applicable throughout the State at one time. I may draw the attention of the Hon'ble Member to Clause 45 which clearly envisages that there are already some enactments in the various parts of the State. It is with an idea of bringing about uniformity that this Bill has been brought in. He will agree with me that the provisions in the Bill are not very much different from the provisions already in force. So while replacing those Acts now in force in the different units, we have to bring this measure into force at one time.

So far as the matter regarding withdrawal of an application for licence immediately after filing the application is concerned, I think such cases will be very few and even in such cases the provisions in the other Acts are not for refund of application fees except probably in the case of suits.

So far as the obligation for grant of licence is concerned, there is no provision in other similar acts for refund of application fees. After all, the fee to be paid is only Rs.10. Also, at what point of time a particular applicant wants to withdraw will be relevant. By that time, the licence issuing authority might have to undertake some kind of an enquiry or collection of statistics. To that extent the question of refund of licence fees does not arise. In fact such a provision also came up for discussion in the Select Committee and after sufficient discussion, it was finally agreed that a provision for refund should not find a place.

So far as exemption that is suggested in Clause 25 is concerned, I remember quite well that it was extensively argued by several members including Mr. Muckannappa. In fact, he has put in a note of dissent. After prolonged consideration, it was finally understood that the clause should remain as it is. It would be redundant on my part to set forth all the arguments that were advanced in the Select Committee and I would only request the Hon'ble Members to accept the Bill.

Mr. SPEAKER.—The question is:

“That the Mysore Money Lenders Bill, 1960, as passed by the Legislative Council, be taken into consideration.”

The motion was adopted.

Mr. SPEAKER.—We will now take up the clauses.

Sri SRINIVASA SHETTY.—I am not moving my amendments, Sir.

Clauses 2 to 24

Mr. SPEAKER.—The question is:

“That Clauses 2 to 24 both inclusive stand part of the Bill.”

The motion was adopted.

Clauses 2 to 24 both inclusive were added to the Bill.

Clause 25

Sri C. J. MUCKANNAPPA.—I beg to move:

“That the words ‘or incorporated bodies’ be deleted.”

Mr. SPEAKER.—Amendment moved:

“That the words ‘or in corporated bodies’ be deleted.”

ಶ್ರೀ ಸಿ. ಜಿ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಸ್ವಾಮಿ; ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಈಗತಾನೆ “ಈ ವಿಚಾರ ಹಿಂದಲ್ಲ ಬಹಳ ಚರ್ಚೆಯಾಗಿದೆ ಮತ್ತು ಸೆರೆಕ್ಸ್ ಕಮಿಷನ್‌ನಲ್ಲಿ ಬಹಳ ಚರ್ಚೆಯಾಗಿದೆ, ಅದುದರಿಂದ ಅದರ ಬಗ್ಗೆ ಹೆಚ್ಚು ವಿವರಣೆ ಕೊಡಬೇಕಾದ್ದು ಅವಶ್ಯಕ” ಎಂತ ಹೇಳಿದರು. ಒಟ್ಟಿನಲ್ಲಿ ಈಗ ಈ ಬಿಲ್ಲಿನ ಮೂಲ ಉದ್ದೇಶವಾದರೂ ಏನು? ಸಾಲಗಾರನಿಗೆ ಒಂದು ರಕ್ಷಣೆ ಕೊಡಬೇಕೆಂಬುದು,

(ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ಯಾರೇ ಆಗಲ ಈಗ ಈ ಮಸೂದೆಯಲ್ಲಿರುವ ಕ್ಲಾಂಟ್ 20 ರಿಂದ 24ರ ವರೆಗೆ ಒದಲ, ಆಗ ಇದರ ಅರ್ಥವೇನೆಂಬುದು ಅವರಿಗೇ ಗೊತ್ತಾಗುತ್ತದೆ. ಈ ದಿವಸ ನಾವು ಈ ಬಿಲ್ ಹೇಗಿದೆಯೋ ಹಾಗೇ ಪಾಸ್ ಮಾಡಿ ಈ ಒಂದು ಅಧಿಕಾರವನ್ನು ಸರ್ಕಾರದವರು ಕೈಗೆ ಕೊಟ್ಟರೆ ಮುಂದೆ ಸಾಲಗಾರನ ಗತಿ ಏನಾದೀತು ಎಂಬುದು ಆ ದೇವರಿಗೇ ಗೊತ್ತಾಗಬೇಕು? ಏಕೆಂದರೆ ಗಿರವಿ ಇಟ್ಟುಕೊಳ್ಳುವ ಮನುಷ್ಯ ಸಾಲಗಾರನಿಗೆ-ಸಾಲದ ಹಣದಲ್ಲಿ ಅಲ್ಪ ಸ್ವಲ್ಪ ವಾಪಸ್ ಕೊಟ್ಟಿದ್ದಕ್ಕಾಗಲೇ-ಆತನು ಕೊಡತಕ್ಕ ಬಡ್ಡಿ ಹಣಕ್ಕಾಗಲಿ ಅರಾಯದ ರಶೀದಿಗಳನ್ನೇ ಕೊಡುವುದಿಲ್ಲ. ಹೀಗೆ ಜಮಾಬಂದ ಹಣಕ್ಕೆ ಅರಾಯದ ರಶೀದಿ ಕೊಡದಿರುವಾಗ ಇಲ್ಲ ಒಂದು ಏನಾಯಿತಿ ಕೊಡಬೇಕಾಗಿದ್ದರೆ ಅದನ್ನು ಯಾರಿಗೆ ಕೊಡಬೇಕು? ಆ ಸಾಲಗಾರನಿಗೆ ಕೊಡಬೇಕು. ಹಾಗೆ ಸಾಲಗಾರನಿಗೆ ಒಂದು ಎಗ್‌ಜಂಪ್‌ಕೊಟ್ಟರೆ ಇವರಿಗೆ ಅಗತಕ್ಕ ಅನಾಹುತವಾದರೂ ಏನು? ಹೀಗೊಂದು ರಕ್ಷಣೆ ಕೊಡದಿದ್ದಲ್ಲಿ ದೇಶದಲ್ಲಿ ಸಾಲ ಮಾಡತಕ್ಕವನಿಗೆ ಸರ್ಕಾರದವರು ಕೊಡತಕ್ಕ ರಕ್ಷಣೆಯಾದರೂ ಏನು? ಆದ್ದರಿಂದ ನಾನು ಈಗ ಈ ತಿದ್ದುಪಡಿಯಲ್ಲಿ ಇನ್ ಕಾರ್ಪೊರೇಟೆಡ್ ಬಾಡೀಸ್ ಅನ್ನುವುದನ್ನು ಡಿಲೇಟ್ ಮಾಡಬೇಕೆಂದು ಹೇಳಿದ್ದೇನೆ. ಆದರೂ ಸರ್ಕಾರದವರು ಸುಲಭವಾಗಿ ಈ ಕಾರ್ಪೊರೇಟೆಡ್ ಬಾಡೀಗಳಿಗೆ ಎಗ್‌ಜಂಪ್ ಕೊಡಬೇಕಾಗಿದ್ದರೆ ಕೂಡ ಅದನ್ನು ಬಹಳ ರಿಸ್ಕ್ ಆಗಿ ಕೊಡಲಾಗುತ್ತದೆ. ಮೇಲಾಗಿ ಆ ಸಂಸ್ಥೆಗಳ ನಡವಳಿಕೆ ಅವರ ವ್ಯವಹಾರ ನೀತಿ-ಧರ್ಮಗಳನ್ನೆಲ್ಲಾ ವಿಚಾರಮಾಡಿ ಕೊಡಲಾಗುತ್ತದೆಂತ ಹೇಳಬಹುದು. ಆದರೆ ಸರ್ಕಾರದಲ್ಲಿ ಇವನ್ನೆಲ್ಲಾ ಕಂಡು ಹಿಡಿಯಲು ಇಟ್ಟುಕೊಂಡಿರುವ ಆಳತೆ ಗೋರಾದರೂ ಯಾವುದು? ಮುಂದೆ ಇದೆಲ್ಲ ಒಂದು ಇನ್ ಪ್ಲೂಯೆನ್ಸಿನ ಮೇಲೆ ನಡೆಯತಕ್ಕದ್ದಾಗಿದೆ. ಆಗ ಈ ಸಾಲಗಾರನ ಗತಿಯೇನು? ಇವನ ಗತಿ ಗಂಗಮ್ಮನವಾಲೆ! ಸಾಲಗಾರರನ್ನು-ಸಾಹುಕಾರ ರಿಂದ ಬುಣಮುಕ್ತರನ್ನಾಗಿ ಮಾಡಬೇಕೆಂಬ ಇರಾಜೆ ಸರ್ಕಾರಕ್ಕಿದ್ದರೆ ಇದನ್ನು ಡಿಲೇಟ್ ಮಾಡಲ ಸಾಲಕೊಟ್ಟವನ ಮೇಲೆ ಸಾಲಗಾರನು ಒಂದು ವೇಳೆ ಕೋರ್ಟಿಗೆ ಹೋಗಿ ಅವನು ಸಾಧಿಸುವ ದಾದರೂ ಏನು? ಆತನಲ್ಲಿ ಯಾವ ಆಧಾರವೂ ಇರುವುದಿಲ್ಲ. ಸಾಹುಕಾರನು ತನ್ನ ಲೆಕ್ಕಗಳನ್ನು ಅವನಿಗೆ ಕೊಡುವುದಿಲ್ಲ. ಕೊಟ್ಟರೂ ಅದು ಸಾಹುಕಾರನಿಗೆ ಅನುಕೂಲವಾಗಿರುತ್ತಲಿಲ್ಲವೆ ಸಾಲ ಗಾರನಿಗಿಲ್ಲ. ಇಂಥ ಒಂದು ಶಾಸನ ನಿತ್ಯವೂ ನ್ಯಾಯದಲ್ಲಿಯೂ ನ್ಯಾಯಕ್ಕಾಗಿ ಹೊಡೆದಾಡು ತ್ತಿರುವ ನಾಯಸ್ಥರಿಂದ ಸಭೆಯ ಮುಂದೆ ಬರಬೇಕಾಯಿತಲ್ಲ! ಇದು ನಮ್ಮ ದುರಾದೃಷ್ಟ! ಸಾಲಗಾರನು ನಾಳೆ ಸಾಹುಕಾರನ ಲೆಕ್ಕಗಳನ್ನು ಒಪ್ಪುವುದಿಲ್ಲವೆಂದರೆ ಆತನು ಯಾವರೀತಿ ಸಾಕ್ಷ ಒದಗಿಸಬೇಕು? ಸಾಹುಕಾರ ದಾಕರೆ ಕೊಡುವುದಿಲ್ಲ. ಅಂದಮೇಲೆ ಸಾಲಗಾರನಿಗೆ ಸರ್ಕಾರ ದವರಿಂದ ದೊರೆತ ರಕ್ಷಣೆಯಾದರೂ ಏನು? ಆದ್ದರಿಂದ ಇದು ಬಹಳ ಅಪಾಯಕಾರಿಯಾದ ಬಿಲ್ಲು. ಈ ವಿಚಾರ ಸರೇಕ್ಸ್ ಸಮಿತಿಯಲ್ಲಿ ಬಹಳವಾಗಿ ಡಿಬೇಟ್ ಆಗಿದೆ. ಆದರೆ ಸರ್ಕಾರದವರು ಕೇವಲ ಅವರ ಒಂದು ಪ್ರತಿಜ್ಞೆಗಾಗಿ ಇದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳದೆ ಇರುವುದು ಬಹಳ ಶೋಚನೀಯ. ಈಗ ರಾದರೂ ಸರ್ಕಾರದವರು ಒಪ್ಪಿಕೊಂಡರೆ ಅವರಿಗೆ ಕೀರ್ತಿಬರುತ್ತೆ. ಆದ್ದರಿಂದ ಅವರು ಈ ತಿದ್ದು ಪಡೆಯನ್ನು ಒಪ್ಪಿ ಕೊಳ್ಳಬೇಕೆಂದು ಕೇಳಿ ಕೊಳ್ಳುತ್ತೇನೆ.

7-00 P.M.

Sri M. RAMAPPA.—I would like to know with what idea this clause has been included. What exactly is meant by the word "unincorporated bodies"? Why are exemptions given?

Sri MALI MARIAPPA.—So far as unincorporated bodies are concerned there may be several firms which are as good as incorporated bodies. Government will exercise their discretion only in favour of such firms

which come to the level of incorporated bodies. I have already indicated that they are 'firms'. I have no firms in view. I oppose the amendment.

Mr. SPEAKER.—The question is:

"That the words 'or incorporated bodies' be deleted."

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That Clauses 25 to 35, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 25 to 35, both inclusive, were added to the Bill.

Mr. SPEAKER.—Clause 36. There is an amendment. The Hon'ble Member is not present. The question is:

"That Clause 36 stand part of the Bill."

The motion was adopted.

Clause 36 was added to the Bill.

Mr. SPEAKER.—The question is:

"That Clauses 37 to 45, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 37 to 45, both inclusive, were added to the Bill.

Mr. SPEAKER.—Clause 1.

Sri V. SRINIVASA SHETTY.—I am not moving my amendment.

Mr. SPEAKER.—Clause 1, the Preamble and the Short Title

The question is:

"That Clause 1, the Preamble and the Short Title stand part of the Bill."

The motion was adopted.

Clause 1, the Preamble and the Short Title were added to the Bill.

Motion to pass.

Sri MALI MARIAPPA.—I beg to move:

"That the Mysore Money-Lenders Bill, 1960, as passed by the Legislative Council, be passed".

Mr. SPEAKER.—The question is:

“That the Mysore Money-Lenders Bill, 1960, as passed by the Legislative Council, be passed.”

The motion was adopted.

Mr. SPEAKER.—The House now adjourns and will meet to-morrow at 9 A.M.

The House adjourned at Two Minutes past Seven of the Clock to meet again at Nine of the Clock on Wednesday, the 22nd November 1961.
